

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2753 of 1991

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

RAMESHCHANDRA KHODABHAI MAKWANA

Versus

DIRECTOR OF THE STATE INSURANCE EMPLOYEES

Appearance:

1. Special Civil Application No. 2753 of 1991
MR VB GHARANIYA for Petitioner No. 1
MR PRADIP BHATE A.G.P. for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 03/09/2004

ORAL JUDGEMENT

1.0. This Court on 1st September, 2004 had passed the following order :-

"The petitioner in this petition has challenged the order of the respondents cancelling the compassionate appointment on the ground that though the mother of the petitioner was serving in the Government, he obtained the service on compassionate appointment by misrepresenting the respondents.

Mr. Gharaniya learned advocate appearing for the petitioner is not present. As a last chance S.O. To 3rd September, 2004. To be placed in the first board."

1.1. In spite of that Mr. Gharaniya learned advocate appearing for the petitioner is not present. Hence, the same is decided in his absence.

2.0. The petitioner by way of this petition has challenged the impugned order dated 21st January, 1991 at annexure-B, whereby the respondents have dismissed him from the service.

3.0. I have gone through the record of this petition. However, in view of the allegations made in the order, it is clear that the compassionate appointment was secured by misrepresentation and the very purpose of granting compassionate appointment is defeated.

3.1. In that view of the matter, the order dismissing him from the service is just and proper and it does not call for any interference in this petition. Hence, the petition stands dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/